

FEB 14 2005

PTO/SB/31 (09-04)  
 Approved for use through 07/31/2006. OMB 0651-0031  
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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		<b>Docket Number (Optional)</b> 564462001001	
		In re Application of Eric J. MATHUR et al.	
		Application Number 09/202,681	Filed Int'l. - June 19, 1997
		For PHOSPHATASES, POLYNUCLEOTIDES ENCODING THEM AND METHODS OF MAKING AND USING THEM (AMENDED)	
		Art Unit 1652	Examiner R. Hutson

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-1952. I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

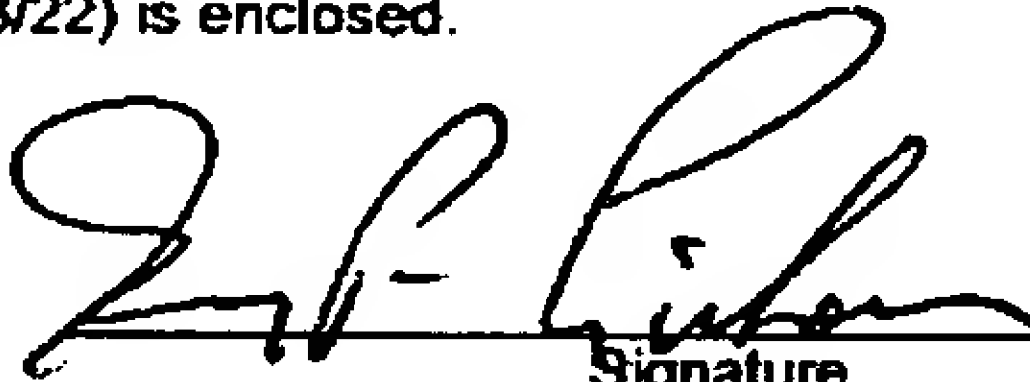
I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 38,440

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

  
 Signature  
 Gregory P. Einhorn  
 Typed or printed name  
 (858) 720-5133  
 Telephone number  
 February 14, 2005  
 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

I hereby certify that this correspondence is being facsimile transmitted to MS AF, the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: Monday, February 14, 2005

Signature:  (Norman Green)